

रजस्टर नं ० पी०/एस० एम० १४.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 28 जून, 1978/7 आषाढ़, 1900

हिमाचल प्रदेश सरकार

REVENUE DEPARTMENT

NOTIFICATION

Simla-2, the 15th June, 1978

No. Rev. 2. A(3)-2/76.—In exercise of the powers vested in him under sub-section (1) of section 21 of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1978 the Governor, Himachal Pradesh is pleased to make the enclosed Rules, entitled as the Himachal Pradesh Relief of Agricultural Indebtedness Rules, 1978, the draft of the same having been previously published as required under sub-section (3) of the said section, vide notification of even number dated the 1st December, 1977, in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 23rd December, 1978.

By order,
H. S. DUBEY,
Secretary.

THE HIMACHAL PRADESH RELIEF OF AGRICULTURAL INDEBTEDNESS RULES, 1978

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Relief of Agricultural Indebtedness Rules, 1977.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition.—In these rules, unless there is anything repugnant to the subject or context,—

- (a) “the Act” means the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 (Act No. 17 of 1976);
- (b) “form” means a form appended to these rules;
- (c) “section” means a section of the Act.

3. Determination of debt.—(1) A small farmer may within three years from the date of incurring the debt, apply under sub-section (1) of section 14 to the authority for the local areas within which such small farmer ordinarily resides.

(2) Any of the creditors of a small former may unless the small farmer has already made an application under sub-section (1) of section 14, apply under sub-section (2), of that section in the manner and to the authority referred to in sub-rule(1) for such determination of debt. The application of the creditor shall not be entertained if the small farmer makes an application under sub-rule(1) within the period referred therein.

(3) Where applications are made to more than one authority, the authority to whom an application in respect of the same debt is first made shall be the authority to determine the debt. If applications in respect of the same debt are pending before any other authority the said application shall be transferred to whom the first application was made.

(4) An application by a small farmer or a creditor shall be in form I and shall be accompanied by a court-fee stamp of fifty paise only.

(5) An application by a small farmer or a creditor may be presented before the authority personally or through an authorised representative with the permission of the authority.

4. The procedure to be followed by an authority in a proceeding.—(1) As soon as an application is received by an authority, he shall issue notice to both the parties in form II, fixing a date of appearance and hearing. At the time of hearing the authority shall record the evidence, if any, of both sides, first of the applicant and then of the opposit party and while recording evidence, cross-examination of the parties and their witnesses by the opposite parties or their representatives if permitted by the narrative form. After hearing the parties, the authority shall determine the actual debt in question showing the principal and interest up to the date of such order and he shall record the reasons of such determination;

(2) When an application made to an authority is transferred to another authority under sub-section (3) of section 14, the authority before whom the application has been transferred shall follow the procedure laid down in sub-rule(1).

(3) The parties shall be entitled to certified copies of the final order on payment of a fee of rupee one and such fee shall be payable in court fee stamps.

5. *Order of determination of debt and interest.*—The order showing determination of the debt and the interest shall be in form III.

6. *Order of the authority under section 16.*—In every case, the authority shall make an order under section 16.

7. *Appeals.*—(1) A Memorandum of Appeal may be presented to the Appellate Officer by the appellant personally or through an authorised representative with the permission of the Appellate Office.

(2) The Memorandum of Appeal shall be in form IV and shall be accompanied by a certified copy of the order appealed against together with a court fee stamp of five rupees.

(3) On receipt of a Memorandum of Appeal the Appellate Officer shall fix a date for hearing and shall issue notice to the parties intimating the date of hearing and shall dispose of the appeal as expeditiously as possible giving reasons for his decision.

(4) A certified copy of the order of the Appellate Officer may, on application, be granted on payment of a fee of rupees two in court fee stamps.

8. *Maintenance of register.*—Every authority and Appellate Officer shall maintain a register showing the particulars of all applications under section 14 and all appeals under section 20 and the register shall contain the following particulars:—

- (a) Serial No.
- (b) Date of filing.
- (c) Name(s) of applicant.
- (d) Name(s) of opposite party/respondent.
- (e) Date when final order is passed.
- (f) Final order in brief.
- (g) Amount of Court-fees realised.

FORM I

(See rule 3)

To

The.....
(Authority)

Naib-Tehsildar, Tehsil/Sub-Tehsil.

Sir,

I beg to make an application under section 14(1)/14(2) of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 and the particulars are given below:—

1. Name and address of the creditor(s).
2. Name and address of the small farmer(s).
3. Date of incurring debt or debts.

4. Amount of Principal with respect of each creditor.
5. Amount and rate of interest with respect of each creditor.
6. Extent of small farmers land holding for the whole family specifying how much is irrigated and non-irrigated land and how much owned and how much occupied as tenant.
7. Any other family income through profession or service in the year preceding year of filing the petition.
8. Total income of the small farmers family in the preceding year.
9. Relief sought with reasons.

I now pray for an order under section 15 of the Act.

Yours faithfully,

Small Farmer/Creditor.

FORM II

[See rule 4(1)]

To

.....
(Small Farmer/Creditors).

Sir,

Shri.....of.....has submitted an application under section 14(1) or 14(2) (as may be applicable) before me on.....(date) and the said application has been set down for hearing before me onatA.M./P.M. You are directed to attend the show cause why the application shall not be allowed. In case you fail to appear and/or show cause in writing without any reasonable excuse, the application shall be heard *ex parte*. In case you are physically or mentally infirm or you can not read with write (which fact you have to prove to my satisfaction), you may send your authorised representative.

Yours faithfully,

(Signature)Authority.

Official Designation.

FORM III

(See rule 5)

ORDER

Present: Name..... Designation.....

Authority for..... Tehsil.....

1. Name and address of the Applicant small farmer/creditor.
2. Name and address of the opposite party/parties.
3. Amount of debt determined with principal and interest.
4. Reasons for coming to such finding on the basis of evidence.
5. Order of the Authority.

Authority

Seal and official designation
of Authority.

FORM IV

[See rule 7(2)]

To
(Name and designation of the Appellate Officer)

Appellate Officer..... Sub-Division/District.

Sir,

I beg to prefer an appeal under section 20(1) of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 against the decision/order of the authority and the particulars are give below :—

1. Name and address of the applicant small farmer/creditor/debtor.
2. Name and address of opposite party/creditor/small farmer.
3. Amount of debt (Principal and interest involved).
4. Date of disposal of the case before the authority.
5. If a certified copy has been enclosed.
6. Brief reasons for preferring the appeal, against the order of the authority.

I pray for an order under section 20(4) of the Act modifying or setting aside the order of the authority.

Yours Faithfully,

Appellant/Small farmer/Creditor.

कार्यालय ज़िलाधीश, चम्बा, ज़िला चम्बा

अधिसूचना

चम्बा, 5 मई, 1978

संख्या पी०सी०ए॒०-सी०वी०ए०-ए०(३)-६/७८-१६४५-९०.—हिमाचल प्रदेश सरकार की अधिसूचना संख्या ३६-१५/७४-पंच, दिनांक १-८-७५ द्वारा प्राप्त अधिकारों के अधीन, मैं योगेश खन्ना आई०ए०ए०, ज़िलाधीश, चम्बा, ज़िला चम्बा, हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की बारा ९(१) और हिमाचल प्रदेश ग्राम पंचायत नियम, 1971 के नियम १९ के अन्तर्गत विकास खण्ड तीसा, ज़िला चम्बा की ग्राम पंचायतों के सदस्यों के स्थान निम्न सारणी के मद संख्या ४ में वर्णित संख्या अनुसार निर्धारित करता हूँ:—

सारणी

विकास खण्ड	ग्राम सभा का नाम	वर्ष 1971 की जनगणनानुसार जन-संख्या	सदस्यों की निर्धारित संख्या (प्रधान, उप-प्रधान सहित)
1	2	3	4

तीसा	(1) कल्हैल	1216	7
	(2) कोहाल	992	7
	(3) कुठेड (खुस नगरी)	1302	7
	(4) कुठेड	742	7
	(5) गडफरी	762	7
	(6) घलैई	829	7
	(7) चरडा	1226	7
	(8) चरौडी	976	7
	(9) चान्जू	977	7
	(10) चौली	887	7
	(11) जसौरगढ़	1032	7
	(12) जुन्या	969	7
	(13) झज्जा	697	7
	(14) टिकरी	2052	9
	(15) तीसा-१	2235	9
	(16) तीसा-२	2134	9

1	2	3	4
(17)	थल्ली	1239	7
(18)	थनेई	811	7
(19)	दयौला	560	7
(20)	देवीकोठी	999	7
(21)	देहआं	880	7
(22)	देहरा	435	7
(23)	बढनोता	943	7
(24)	बौन्देडी	1232	7
(25)	बैरा	974	7
(26)	भगोईगढ़	414	7
(27)	मन्गली	585	7
(28)	लेसूई	913	7
(29)	सत्यास	918	7
(30)	सलेला	447	7
(31)	सेई	707	7
(32)	हरतवास	505	7

योगेश खन्ना,
ज़िलाधीश, चम्बा।

उप-नियन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-३ द्वारा मुद्रित तथा प्रकाशित ।